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Public Notice

**U.S. Environmental Protection
 Agency, Region 7
 Notice of Application from the
 Sac & Fox Tribe of Mississippi
 in Iowa for
 Eligibility to Administer
 Regulatory Programs under
 Clean Water Act Sections 518,
 303(c) and 401**

The U.S. Environmental Protection Agency (EPA) Region 7 announces the comment period on the application from the Sac & Fox Tribe of Mississippi in Iowa, also known as the Meskwaki Nation (the "Nation") seeking an EPA determination under section 518(e) of the Clean Water Act (CWA) of the Nation's eligibility to administer tribal water quality standards and water quality certification regulatory programs (CWA sections 303(c) and 401). Notice for the comment period is published on March 1, 2019 in the Meskwaki National Times as well as the Des Moines Register and Marshalltown Times Republican. The comment period concludes on April 1, 2019.

The Nation submitted the application in the spring of 2017. The EPA provided the Meskwaki Nation with a notice that the application is ready for review after the agency conducted a preliminary review, communicated with the Nation, and received additional information. Before determining the Nation's eligibility, federal regulations require the EPA to notify "appropriate governmental entities" and provide 30 days for written comment "limited to the Tribes assertion of authority." See CWA regulations found at 40 CFR 131.8(c)(3). The agency interprets the term "appropriate governmental entities" to include those states, tribes and other federal entities located adjacent to the tribe applying for eligibility. Thus, in accordance with the CWA regulations, the EPA provided notice and an opportunity for comment from the state of Iowa on the Tribe's assertion of authority to regulate surface water quality in the waters described above. The EPA has provided the State with copy of the complete application with supporting

maps. In addition to the written notice to the state of Iowa, in accordance with the EPA's policies, the agency is publishing this announcement to notify interested parties of the Nation's assertion of authority. A copy of the application materials, the additional information submitted by the Nation and the letter to Iowa can be found in the administrative record for this matter. These documents are available for public review.

At this time, the EPA is reviewing the Nation's eligibility application in accordance with the federal water quality standards regulation at 40 CFR 131.8 and requests comments on the Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the trust lands identified in the application.

Approval of the eligibility application would allow the Meskwaki Nation to submit water quality standards to EPA for review and action under CWA section 303(c) for all surface waters within the trust lands identified in the Nation's application. These surface waters include portions of the Iowa River, Onion Creek, Raven Creek, Cattail Creek, Bennett Creek and several unnamed tributaries. Approval would also provide the Meskwaki Nation with the authority to issue or deny section 401 certification for federal permits or licenses for activities on these trust lands that may result in a discharge to surface waters.

The Nation's lands and reservation waters are located Tama County in the state of Iowa. The eligibility application only includes lands held in trust by the federal government for the Meskwaki Nation. A copy of the Nation's complete application, which includes a table and maps identifying the tribal trust lands, is available at the following EPA website:

<https://www.epa.gov/ks/region-7>

The Nation's application may also be reviewed, or copied at requestor's expense, on weekdays from 8:00 am to 4:30 pm, at the Meskwaki Nation Department of Natural Resources. The Meskwaki Natural Resources is located at 1826 340th Street, Tama, IA 41707, Jarrett Pirimmer, Director, Meskwaki Nation Natural Resources, phone (641) 484-3511 or fax (641) 484-3614.

Comments on the Meskwaki Nation's assertion of authority to regulate surface water quality under CWA sections 303(c) and 401 within the lands identified in the Nation's application may be submitted in writing, to EPA Region 7, at the address listed below, or by email, through April 1, 2019.

Water Wetlands and Pesticides Division

United States Environmental Protection Agency

11201 Renner Blvd.

Lenexa, KS

Water Division, EPA Region 7

Tucker.Sondra@epa.gov

If you have any questions, please contact Sondra Tucker in the EPA Region 7 office by email at

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tucker.sondra@epa.gov or by
phone at 913-551-7796 or
1-800-223-0425 (toll-free).

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